



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

ELP

Docket No. 5952-00  
2 February 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his separation, Navy enlisted classification (NEC), and reenlistment codes be changed.

2. The Board, consisting of Messrs. Whitener, Lightle, and Neuschafer reviewed Petitioner's allegations of error and injustice on 31 January 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the

interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner was enlisted in the Naval Reserve on 20 December 1990 for eight years at age 18. He was ordered to active duty on 17 June 1991 for a period of 24 months in the Seaman Apprenticeship Program.

d. Petitioner was advanced to SN (E-3) on 16 January 1993 and was notified in March 1993 that he had passed the Navy-wide examination for PN3 (E-4). Petitioner's advancement date was 16 December 1993 with a date of rank of 1 July 1993. Meanwhile, he was honorably released from active duty on 16 June 1993 and transferred to the Naval Reserve. He was assigned a separation code of LBK and a reenlistment code of RE-3R.

e. Petitioner affiliated with a reserve unit on 17 September 1993 and was subsequently advanced to PN3. He was advanced to PN2 (E-5) on 16 October 1997.

f. An "LBK" separation code is assigned to individuals involuntarily separated at the expiration of their active duty commitment. A code of "MBK" is assigned for a voluntary separation.

g. Regulations authorize the assignment of an RE-1 reenlistment code to individuals who satisfy professional growth criteria for first reenlistment. Individuals serving in pay grade E-3 who pass an examination for advancement to pay grade E-4 and are currently recommended for advancement meet the professional growth criteria. An RE-3R reenlistment code is assigned to personnel in pay grade E-3 who do not meet the professional growth criteria but are eligible in all other respects for reenlistment.

h. Petitioner's DD Form 214 shows an NEC of SN-0000. An "0000" is used where no entry, rating, or special series NEC is assigned. Earned rating series NECs are assigned when an individual is advanced to petty officer status, is a designated striker, or has changed rating status.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable

action. It appears to the Board Petitioner was erroneously assigned an involuntary separation code rather than a voluntary code since he was clearly eligible for reenlistment, having passed the advancement examination. Since he passed that examination, the Board also concludes that he should have been assigned an RE-1 reenlistment code. The Board thus concludes it would be appropriate and just to change his reenlistment code to RE-1 and his separation code to "MBK" to show he was voluntarily separated. The Board found no basis for changing the NEC shown on the DD Form 214 since there was no evidence of an earned NEC or that he was a designated striker at the time of his release from active duty.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-3R reenlistment code and "LBK" separation code, assigned on 16 June 1993, to RE-1 and "MBK", respectively.

b. That no further relief be granted.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of

Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
For W. DEAN PFEIFFER  
Executive Director